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New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Al-Nasser (Egypt), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

The Acting President: As this will be the last appearance of Ambassador John Paul Kavanagh of Ireland before the General Assembly before he moves on to assume a higher post, we wish him all the best in his future endeavours.

Mr. Kavanagh (Ireland): Ireland fully aligns itself with the statement made by the Permanent Representative of Sweden on behalf of the European Union.

The responsibility to protect (R2P) our populations from the four crimes of genocide, war crimes, crimes against humanity and ethnic cleansing is clearly and tragically demonstrated by past horrors. Cambodia, Rwanda, Srebrenica, Darfur — these represent some of the more recent grotesque failures to live up to this responsibility. Of these failures we are, all of us, rightly ashamed. But condemning past failures is no solution to today's problems; nor is a mere declaration that we will never allow these mass atrocities to occur again.

This most universal Assembly of States must never tolerate a situation where the peoples of the world are not protected from the prospect and actuality of these four crimes. This failure to protect would, sooner or later, undermine confidence in the value of the Charter of the United Nations and, indeed, of the United Nations itself.

The unanimous adoption of the responsibility to protect in the World Summit Outcome Document (resolution 60/1) of 2005 represented a major step in accepting our collective responsibility to prevent and halt these mass atrocities. We now move into the next and critical phase of agreeing how we should honour and operationalize this responsibility.

The Secretary-General's report (A/63/677) on operationalizing the responsibility to protect provides important guidance on how we might achieve this. Ireland warmly welcomes the Secretary-General's well-judged and balanced report, as well as this very significant debate. We support the Secretary-General's recommendations.

We particularly welcome the reiteration of the principle of responsible sovereignty, and the move away from the false dichotomies sometimes posed in that connection between the interests of the State and its populations, and between the interests of the State and those of the international community. We strongly agree that the primary responsibility for protection of persons from these four crimes rests with the State

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itself. We also agree that the international community has a responsibility to assist States, where necessary, in building or supporting the State's capacity to discharge its responsibility.

This approach rebuts any notion that R2P as a concept can be reduced to a myopic argument over military intervention versus inaction and indifference. Rather, the twin pillars of State responsibility and capacity-building draw attention to the many options we have to prevent and respond to these atrocities. These include measures such as developing specific early warning mechanisms, training key national actors on their responsibilities under international humanitarian law, incorporating relevant international treaties into national legislation, and building local mediation and conflict resolution capacity.

In practice, the development and enhancement of these measures can most appropriately be supported through development assistance programmes and by building the capacity of regional organizations. Indeed, ensuring that development programmes are adequately informed by R2P may be the most effective way to operationalize our collective responsibility.

At the same time, we must be careful not to confuse the development agenda with the need to prevent and respond to these four crimes. First, the commission of these crimes is clearly not limited to developing countries. Secondly, the aims of development assistance are far broader than preventing these four crimes. Thirdly, we cannot honour our responsibility to protect by relying solely on current development assistance programmes. Specific and targeted measures, such as those I outlined earlier, must be devised, incorporated into and implemented through our current programmes. These are critical activities, which, if given adequate support and attention, would go a long way to preventing these crimes — and prevention is manifestly the optimal outcome.

We should approach, with similar imagination and openness, the third pillar — our collective international responsibility to respond when States themselves are manifestly failing. In particular, we should resist attempts to equate the third pillar with military intervention when, in fact, it encompasses a broad range of measures, from mediation to enhancing international justice mechanisms, and from financial and travel sanctions to restricting the flow of arms into such countries and to peace enforcement missions under Chapter VII of the Charter of the United Nations. Of course, any such actions could be approved only through the established decision-making processes of the United Nations and in conformity with our Charter.

By focusing on only one of these dimensions — peace enforcement action — we would be severely limiting our capacity to respond and neglecting our duty to develop the other mechanisms and measures. Indeed, these other mechanisms and measures are often more appropriate and effective, provided, of course, that they are adequately supported.

For its part, Ireland is determined to continue its efforts in these areas through our development programme, our commitment to international humanitarian and human rights law, our conflict prevention strategies and our peacekeeping tradition.

We understand that some States are cautious in moving forward and we do not wish to ignore the very real fears that R2P could be misused for ulterior motives. We must together guard against any incorrect application, through either a broadening of its scope, its selective application or its malicious misapplication for a State's own strategic interests, of this responsibility to protect. And we believe that the best way to do this is through debating these challenges openly and forthrightly. So let us briefly consider each of them.

First, there is the question of broadening the scope of the responsibility to protect. This can be very tempting, especially when confronted with the horrendous suffering following natural disasters, HIV/AIDS epidemics and conflict situations where gross human rights violations exist. Ireland believes that the international community can and should respond to these situations through development and humanitarian assistance programmes, human rights monitoring bodies, and conflict prevention and peacebuilding strategies. However, we believe that the responsibility to protect needs to remain focused exclusively on the four crimes already specified consensually, in this Hall, by the 2005 World Summit, namely, genocide, war crimes, crimes against humanity and ethnic cleansing. As the Secretary-General's report makes clear, R2P, as agreed by the 2005 Summit, does not apply to other situations beyond these four crimes. To attempt to broaden it further would likely impair its

operational utility and could unrealistically present it as a cure for all ills.

Secondly, there is the question of the selective application of the responsibility to protect or its misuse with a view to furthering a State's own strategic national interests. This is another issue on which we must stand firm. It should be stated clearly and unambiguously, as it is in the Secretary-General's report, that the responsibility to protect does not lower the threshold for legitimate use of force. Military intervention that is not in line with the Charter of the United Nations and does not have prior Security Council approval when such approval would be required is not in line with, nor can it be regarded as having been authorized by, the responsibility to protect.

While understanding the caution of some States, Ireland strongly believes that reaching a consensus on the operationalization of R2P is the best way to guard against any possible selective application or misuse. Contrary to claims that R2P will increase arbitrary military interventions, we believe that it is the ambiguity and lack of consensus around the issue of intervention that may encourage some States to go it alone, so to speak. It is far easier to seek politically to justify unauthorized intervention to halt mass atrocities when one can point to disarray and inaction in the United Nations. Moreover, an agreed framework that rightly places intervention in its proper context would be much less susceptible to misinterpretation or misapplication.

The path to that agreed framework is unlikely to be short or easy, but if we truly wish to consign genocide, crimes against humanity, war crimes and ethnic cleansing to the history books, it is a path we must take. And we must take it together.

In conclusion, it might be viewed as easy for us in this Hall, distant as our debates sometimes are from the harsh realities of war and atrocity, to ignore or fail to grasp the pressing need to reach a consensus on this issue. But we must not fail. We must instead be moved by a collective desire to address the real and devastating threats that face too many populations across the entire world. This is neither the place nor the time to rehash old debates or to hark back to a bygone era in this Hall. It is also not the time to confuse or embroil the responsibility to protect with other reforms that may be necessary within the United Nations.

The present debate is about agreeing on specific methods to prevent and to respond to four specific crimes. The Secretary-General's report does not go beyond that, and nor should we. If we allow ourselves to become mired in our differences over other issues, or if we allow R2P to be misrepresented and linked tendentiously with other matters, we may well be dooming future generations to repeat the mistakes of our past.

Today, we have been given the opportunity to address our past failings and to honour the victims of past and present by ensuring that, together, we shall do more and we do better in the future. Many opportunities have been missed thus far. Let this not be another one.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We meet here today to take part in a debate on the responsibility to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. If we were to discuss this topic in abstract terms, and if all actors involved in the dynamics of international relations were truly inspired by a holistic vision, then no disagreement would arise on this topic. However, in the light of contemporary historical experience, this issue is deeply controversial. It is controversial, first of all, because of the dominance — which we are sure will change in the future — enjoyed in today's world by the prevailing imperial Powers, whose interests generally determine the dynamic trends of international relations.

However, there is a further issue that is of relevance — the lack of binding norms in the framework of this forum. In that context, paragraphs 138 and 139 of the Outcome Document of the 2005 World Summit (resolution 60/1) are the only frames of reference on this topic available to the General Assembly for its consideration.

Many delegations defend, in good faith, the responsibility to protect on the basis of their sincere concern over the acts of genocide, war crimes, crimes against humanity and ethnic cleansing that have occurred in certain areas of the world. We do not doubt those who have demonstrated sincere concern over the perpetration of these crimes, which have unquestionably scarred the conscience of human civilization. Such crimes must be condemned and prevented wherever they occur in the world.

Who could remain indifferent to such despicable acts as those that took place in Rwanda and in other parts of the world? We must end the impunity enjoyed by their perpetrators. Venezuela joins others who have expressed these concerns, which we fully share. Our country unequivocally condemns acts of genocide, war crimes, crimes against humanity and ethnic cleansing, by whomsoever committed.

In 2005, while delivering a resonant address in this Hall, the leader of the Bolivarian revolution, President Hugo Chávez Frías, posed two questions of undeniable relevance: Who is going to protect and how is protection going to be given? At that time, most delegations found themselves excluded from the debate on the priority issues covered by the Outcome Document, including the responsibility to protect.

The interactive dialogue fortuitously promoted by the President of the General Assembly, Miguel d'Escoto Brockmann, and in which prominent intellectuals took part, was very timely. Yesterday's panellists, to whom we all listened with particular attention, offered us two approaches to the responsibility to protect. The first enthusiastically calls on us to have faith and to forget the oppression that strong countries have imposed upon the weak. The other is an analysis of irrefutable historical facts — as recalled by one eminent panellist, Mr. Chomsky — that invites us to dwell on the structural causes and the imperial hegemonic domination exercised throughout history by western imperial Powers as the decisive factors in the most serious conflicts that humanity has suffered and continues to suffer today.

Classical political doctrine holds that the population is a constitutive element of the State and that the latter therefore has as intrinsic obligation to protect it. In that sense, this responsibility can be considered a universally valid principle, consubstantial with the very existence of any human society. It is among the fundamental functions of a State to guarantee conditions of equality that ensure its people's full enjoyment of their human rights, which are civil and political on the one hand, and economic, social and cultural on the other. In that context, States must assist their citizens to achieve prosperity, and they have national and international legal standards and principles to help them do so.

From this point of view, respect for the sovereignty and territorial integrity of States is a universal principle that enables a State to exercise its responsibility to protect its population. In order to meet this responsibility, developing countries have insistently and repeatedly called on this body to recognize the rights of all peoples of the world to development, justice and to peace.

In this context, international law recognizes the right of States to use, exploit and administer their natural resources and wealth; the right to a new economic order that is just, equitable and informed by the principle of solidarity; and the right of peoples to cooperation and solidarity. It prohibits any justification of violence, intolerance, discrimination and xenophobia. All countries must respect the international principles of friendship, dialogue and conciliation. The use or threat of the use of force is prohibited.

This is not an exhaustive list. These are just some central elements that, if respected by all and in particular by imperial Powers, would prevent conflicts that all too often devolve into the commission of serious crimes against humanity. Extremely high rates of poverty and hunger, and all the other serious scourges affecting humanity, stand in stark contrast to the vast resources accumulated by a few. They are indisputable indicators of the failure of the selfish, individualistic, predatory and inequitable model of production, distribution and consumption that characterizes the most brutal phase of capitalism. Paragraph 138 of the Outcome Document of the 2005 World Summit stresses that the State has the intrinsic responsibility to protect its population from crimes identified by international humanitarian law. What is novel is the indication of the international community's responsibility to encourage and assist States in exercising that responsibility in the framework of the United Nations. For Venezuela, the so-called early warning system should, as a prevention mechanism, respond first and foremost to the demands of peoples for recognition of their inalienable rights and historic claims and for societies based on justice, equality and solidarity.

Paragraph 139 of the Outcome Document calls on the General Assembly to engage in a comprehensive process of discussion. We believe that the points it addresses, if applied, would necessitate substantive revisions to the Charter of the United Nations. We disagree with those who do not deem it necessary to build a legal basis for the potential implementation of

the responsibility to protect. Unless the outdated structure of the Council is modified and the discriminatory veto power definitively abolished, no instrument of lesser standing can authorize the permanent members of the Security Council to operationalize a mechanism enabling them to undertake, without binding standards, so-called collective action in implementation of the responsibility to protect. It should be stressed that if we hope to make the responsibility to protect a multilateral mechanism for collective action, we should do so through the General Assembly.

Which organ of the United Nations will determine when it is necessary to intervene? What are the parameters to be taken into account when classifying a situation as sufficiently urgent to require military intervention? Who will ensure that such intervention is not undertaken for political reasons? Will all 192 States Members of this Organization enjoy the same right to participate and to determine whether situations are emergencies?

There are those who argue that the Security Council would be the appropriate organ to authorize armed or coercive action when the responsibility to protect must be enforced as a last resort. On this point, I sincerely assert our delegation's firm and consistent rejection of such an approach. We agree that trust is at the heart of the discussion of the responsibility to protect. Who can guarantee, however, that this approach will not be implemented selectively? Who will ensure that the responsibility to protect will not serve as a pretext for imperial countries to intervene in weak countries for political reasons? If there is a genuine desire to have an open, good-faith discussion of the responsibility to protect, the General Assembly is the body par excellence in which fundamental decisions affecting humanity should be taken.

I should now like to say a few words about the report of the Secretary-General (A/63/677). I shall speak frankly.

The report makes no reference to the underlying causes of grave crimes being committed against a population. The cases of such crimes against a population cited in the report have been chosen selectively. One emblematic case that has most touched the conscience of the world, the massacre of the Palestinian people in Gaza, goes unmentioned, as do the attacks against the defenceless women and children in Afghanistan. Likewise, the report ignores the suffering of the Iraqi people, more than 1.2 million of whom have died in the war, according to the British research group Opinion Business Research. Who protected the Iraqi people from the genocide that has been committed? Who has called to account those responsible for that criminal invasion, which took place in the complicit silence of some ardent defenders of the responsibility to protect?

In this context, and as irrefutable testimony to their transparent commitment to this mechanism, we propose that the countries of the world exercise their responsibility to protect in this case without further delay. Let the Security Council call for the punishment of those responsible for a genocide that, as I have noted, has led to over a million civilian deaths, and let the former president of the United States of America, George W. Bush, and those bearing primary responsibility for this massacre be brought to trial before the International Criminal Court.

We also call for the responsibility to protect to be applied to the political and military elite of Israel for the crimes of genocide and ethnic cleansing it has committed continuously and systematically, flouting the will of the international community and in utter disdain for the relevant resolutions. I repeat: They have committed crimes of genocide and ethnic cleansing against the Palestinian people.

The Secretary-General's report accords equal importance to all three pillars of the responsibility to protect. Our delegation believes that if we were to undertake, as a matter of ongoing practice within international organizations and the United Nations in particular, to strengthen those provisions relating to State responsibility and international assistance for capacity-building, the implementation of the third pillar — deterrent military intervention — would not be necessary. As it is, the third pillar represents a challenge to the basic principles of international law, such as the territorial integrity of States, non-interference in internal affairs and, of course, the indivisible sovereignty of States.

The concept of the responsibility to protect seeks to reformulate the notion of sovereignty, just as some have sought to reshape the framework governing North-South relations, to underestimate the relevance of the demands of the peoples of the South, to declare the death of the non-aligned, and to proclaim the

absolute victory of neo-liberalism and the end of history.

Some have pompously referred to so-called responsible sovereignty, which we would put in quotation marks. This concept, at least as interpreted by some imperial Powers, goes well beyond the objective that we sought to attain with the so-called responsibility to protect. My delegation believes that the United Nations should promote peace and fight all crimes against humanity by addressing the true causes of conflicts, and not only their consequences.

I should like to conclude by saying that we live in a world dominated by the great Powers of the West and by predatory private international monopolies that, generally speaking, bear primary responsibility for violence between States and regions. They encourage rivalry between regions and States and drive bellicose wedges between them. These political and economic interests operate through their media power, which we might call "media totalitarianism", and through international lobbying that conceals the truth. They criminalize the developing countries they target and provoke massacres on a greater scale than those — as regrettable and condemnable as they are — generated by ethnic and religious conflicts or disputes between countries of the South. This, in brief, is the position of the Bolivarian Republic of Venezuela in today's debate.

The Acting President: I should like to remind members that we have a very long list of speakers that, optimistically, will take us until the end of Tuesday to exhaust. Thus, if delegations do not exercise self-restraint and minimize the length of their statements, the debate on the responsibility to protect may extend into Wednesday. I hope that representatives will take that into consideration.

Mr. Wetland (Norway): I shall try to be brief. I think this is a good time to recall that the primary purpose of our discussion today is to prevent mass atrocities from reoccurring. Historic wrongs and past inactions cannot be undone and never will be, but we can prevent new ones. That is why the World Summit in 2005 firmly and unanimously anchored the concept of responsibility to protect here at the United Nations, and why we warmly welcome the Secretary-General's first report on implementing the responsibility to protect (R2P), contained in document A/63/677.

We welcome the report because it is well balanced and provides a steady platform for the work ahead. Our focus should now be on raising awareness in and among countries on the true content of the report and on how we can move forward.

The report states clearly that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It underlines how the international community can and should encourage and help States to meet this responsibility. It presents a broad canvas of important and legitimate measures and provides a bulwark against what our colleague from Ghana yesterday morning called abuses of the principle of non-interference.

Statements made earlier today and yesterday underline the need to refine early warning mechanisms and the roles of the various organs of the United Nations. We welcome that challenge. Further refinement of the concept of R2P here at the United Nations in general and in the General Assembly in particular will make some of the situations that sceptics have pointed to less likely to happen. The norms and principles developed in the General Assembly, and practiced in accordance with the Charter of the United Nations, will strengthen the rule of law and deter arbitrariness and selectivity.

In promoting the responsibility to protect, we should therefore remember the various tools already available, such as international humanitarian law, the International Criminal Court and other international tribunals, the universal periodic review under the auspices of the Human Rights Council and the special procedures of the Office of the High Commissioner for Human Rights.

The many violations of humanitarian law that we have seen during the past few years, in particular with regard to the situation of civilians in armed conflict, are cause for grave concern. The targeting of civilians, the lack of respect for humanitarian law, and the use of sexual violence as a method of warfare are just a few examples of the serious challenges we face.

In most situations, the primary focus should be on assisting the cessation of violence through mediation and other tools, as well as the protection of peoples through such measures as the dispatch of humanitarian, human rights and police missions. But there are cases when sovereign Governments, which undoubtedly have the primary responsibility to protect their own citizens, are unable or unwilling to do so. In those instances, the

responsibility should and must be taken up by the wider international community.

Norway therefore endorses the norm that there is a collective international responsibility to protect, exercisable by the Security Council, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law amounting to war crimes that sovereign Governments have proved powerless or unwilling to prevent. This responsibility should weigh heavily on the members of the Security Council, and especially on those that exercise the veto power.

In conclusion, whether we are sceptics, proponents or moderates, let us not forget that we are aiming to prevent the worst mass atrocities. Guided by the Charter and the moral authority of the Organization, we should side with the victims.

Mr. Matussek (Germany): In the 2005 World Summit Outcome (resolution 60/1), the assembled heads of State and Government unanimously recognized the responsibility of each State to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing. They also recognized the responsibility of the international community, through the United Nations, to help protect populations from such crimes and stressed the need for the General Assembly to continue its consideration of how best to achieve this.

In January, the Secretary-General delivered his report (A/63/677) on implementing the responsibility to protect (R2P). I should like to say that Germany warmly welcomes the report, which in our view is an excellent starting point for the debate in the General Assembly on how to implement and how to operationalize the concept of responsibility to protect. We especially welcome the practical measures for implementation proposed in the report.

The report outlines a three-pillar strategy for implementing the concept: the primary obligation of States to protect their population; the commitment of the international community to assisting States in meeting their obligations; and the responsibility of the international community to respond in accordance with the Charter of the United Nations when a State is manifestly failing to protect its population.

Germany fully aligns itself with the statement made by the representative of Sweden on behalf of the European Union. For the sake of brevity, I should like to address just one point which, in our view, is crucial.

Although all three pillars are integral to the strategy for fulfilling the responsibility to protect, it is in our view pillar two that is the most innovative of the three. Germany firmly believes that cooperation and prevention are the basic principles of the responsibility to protect. The strategy recognizes the sovereignty of States when it stresses that responsibility for the protection of civilians rests first and foremost with the State whose population is threatened. It aims at strengthening these States' sovereignty and capacity as State actors when it stresses the responsibility of the international community to cooperate with and help them meet their obligations.

We believe that the strong focus on cooperation in prevention is the reason why many States that have suffered from conflict and R2P situations see the emergence of this concept as an opportunity. That has clearly been shown in our debate so far. They know that the acceptance of this common responsibility gives them leverage to say: "We have done our part; now you do yours". That is the real challenge of responsibility to protect — to start working together early enough to prevent mass atrocities and to provide real protection.

In short, individual States and the international community have a common responsibility to help prevent genocide situations from occurring in the first place. That is why we fully support the proposal contained in the report to address ways to define and develop the partnership between States and the international community in the field of assistance and capacity-building, as described in the report under pillar two.

We have already heard some interesting ideas and proposals during our debate, and we stand ready to further develop these proposals. Developing the instruments for early warning, crisis management and conflict prevention will be crucial. I am confident that the European Union, as well as other regional organizations, has a lot to contribute in this respect.

Within this concept, the third pillar of R2P is of a merely complementary nature and arises only when both the individual State and the international community have failed in their obligations to prevent genocide, war crimes, crimes against humanity or ethnic cleansing.

I should like to conclude by saying that the fact that the General Assembly is discussing ways and means to implement the concept of the responsibility to protect almost four years after the World Summit Outcome is a success in itself. In retrospect, this debate may even one day be considered to have been the historical beginning of a process that eventually led to a world free of mass atrocities. But that will happen only if we genuinely continue to try to find common ground. I am encouraged by the positive contributions we have heard in this debate so far, and it is therefore essential that the debate about the implementation of the responsibility to protect continue in the General Assembly.

Mr. Solón-Romero (Plurinational State of Bolivia) (*spoke in Spanish*): I should like to begin by congratulating the President of the General Assembly on this initiative.

The prevention of and protection against genocide, war crimes, ethnic cleansing and crimes against humanity are intimately linked to the investigation, trial and punishment of such crimes. If crimes against humanity go unpunished and those responsible do not face justice, a precedent is set by which these acts will be repeated. There is no responsibility to protect with impunity.

A crime against humanity was committed in my country in October 2003, under the Government of former President Gonzalo Sánchez de Lozada, in which 67 civilians died and more than 400 were wounded by firearms in the city of El Alto. In the wake of that bloody massacre, in which shots fired at close range killed children, women and elderly people, the Bolivian Congress in 2004 launched a trial of former President Sánchez de Lozada, his ministers and the military authorities involved.

The trial, which is now before the Supreme Court of Justice of my country, has encountered an obstacle. The principal defendants have sought asylum, refugee status and protection in the United States of America and Peru. President Evo Morales, in his first visit to the United Nations in 2006, appealed to the United States not to protect Sánchez de Lozada, Sánchez Berzaín, Berindoague and other suspects, and to extradite and hand them over to the Bolivian justice system.

Just three months ago, Peru granted asylum and refuge to three former ministers who are also being prosecuted for the same crime. We therefore ask ourselves what happens to State's responsibility to protect when other States do not allow it to meet its obligation to protect its citizens from crimes against humanity? What measures does the Secretary-General propose when faced with States that protect those suspected of crimes against humanity?

When it comes to fighting war crimes, genocide, crimes against humanity and ethnic cleansing, we want action and not just words. We reiterate our official request to the United States and Peru to reconsider the asylum and refugee status they have granted, extradite the former officials implicated in these crimes against humanity, and hand them over to the Bolivian justice system.

Mass crimes and ethnic cleansing do not spring up overnight. They are the product of a combination of factors, including colonialism, deteriorating economic and social conditions, and political sectors that in many cases prepare, organize and establish the conditions in which such crimes take place. That is our recent experience in Bolivia, where certain families displaced from political power by the rise to leadership of the first indigenous President have systematically conducted a campaign of humiliation and harassment, organized fascist groups, provoked confrontations, took over airports, attacked more than 70 Government offices, attempted to occupy police and military headquarters, and finally massacred indigenous people in the Pando district in September last year. All of this is set down in a public report of the United Nations High Commission for Human Rights.

In April, law enforcement forces in Bolivia discovered and dismantled a group of mercenaries of Bolivian and international origin who were organizing an army of militants with the aim of mounting attacks, manufacturing ethnic conflicts, and promoting conflict between the western and eastern parts of the country, thereby instigating the division of Bolivia. Their plan was to divide Bolivia in two, as Eduardo Rozsa Flores — a major international mercenary of Bolivian and Hungarian nationality who also participated in the Balkan wars — confessed in a video that can be seen on the Internet. New evidence is emerging every day that these mercenaries of various nationalities, unmasked in Bolivia, participated in and helped to trigger numerous wars and conflicts throughout the world. Had they not been discovered in time, it is likely that today we would be discussing a responsibility to protect situation in Bolivia.

However, this suspected network of international and Bolivian mercenaries has not been completely dismantled. Those who financed, transported, armed and organized training camps and lodging are still being pursued and investigated. In this context, it is crucially important for the international community, and especially countries with highly developed intelligence agencies and those where these mercenaries have operated, to share with Bolivia all information regarding their contacts, networks and sources of financing.

Individuals who provoke, direct and orchestrate the kind of mass crimes we are discussing today do not appear overnight. In many cases, they have a history or background that is well known in other countries. It is crucial that these States cooperate with countries that, like Bolivia, are threatened by powerful groups that have no qualms about triggering mass crimes or ethnic cleansing simply to preserve their own economic power.

The Security Council and its authority to intervene by force are topics that, in our opinion, should be at the centre of today's debate. It is our position that the decision to intervene to stop a mass crime should not be in the hands of the Security Council because, as history has shown, there are geopolitical interests at work within the Council that do not necessarily reflect a genuine will to protect.

We would add that, if the Security Council retains that authority, it would never be directed against the countries that enjoy veto powers in that organ. As a result, the application of this concept is discretionary and not universal, as it should be. Abolishing the veto power of the five permanent members would be the only way for the Security Council to avoid implementing this measure in a discriminatory fashion. That would be a huge step towards ensuring the responsibility to protect for all States.

Many States have expressed concern that the responsibility to protect will be used as a guise for military interventions that violate sovereignty and territorial integrity and whose intentions are quite other than preventing mass crimes. After centuries of colonialism, interventionism and political manipulation, trust cannot be decreed by fiat but must be built step by step on the basis of facts. It is therefore crucial that the General Assembly pursue its consideration of this topic; that States begin to demonstrate through concrete action that we are prepared to cooperate on such vitally important issues as ending impunity for crimes against humanity; and that States enjoy all the support and information they need to dismantle once and for all the networks of international mercenaries that manufacture wars and provoke crimes against humanity, ethnic cleansing and even genocide.

Mrs. Miculescu (Romania): At the outset, I should like to say that Romania fully aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union. I should like to thank the President of the General Assembly for having convened this meeting, which gives us a timely opportunity to share our views on such a complex, complicated and important issue.

The Secretary-General's report (A/63/677) on implementing the responsibility to protect (R2P) is everything my country had hoped for and more. It provides much-desired conceptual clarifications, it lends accuracy with respect to existing legal obligations and to their impact on the concept that it analyses, and it articulates a coherent strategy that will enable us to translate the concept into concrete action.

On behalf of Romania, I share the view expressed by other speakers that the concept represents a significant development in the field of human rights protection and humanitarian law, and that it has great potential to prevent the most serious crimes and violations by enforcing States' obligations, based on their sovereignty, to protect their own populations against such crimes. The concept has all the elements required to create the preconditions for developing international cooperation in designing actions to prevent such crimes and violations, as well as to react to them, only if necessary.

As a concept, the responsibility to protect has both theoretical and practical value, since it encapsulates existing conventional and customary State obligations under international humanitarian law, international human rights law, refugee law and international criminal law. It also includes an understanding of the principle of sovereignty — which is the essential building block of the State, of the United Nations and of international law — as responsible sovereignty, thus linking it more closely to the purposes of the United Nations, in particular that

enshrined in Article 1.3 of the Charter of the United Nations.

By bringing together legal standards and political imperatives, the responsibility to protect not only underscores the primary responsibility of States towards their own people, but also recognizes the corollary obligation to cooperate at the international level and the responsibility of the international community to assist when a State cannot meet its fundamental responsibility towards its citizens. Besides legal and political considerations, the responsibility of the international community ultimately arises from the moral principle of humanity, which calls for action instead of indifference when fellow human beings are subjected to the most horrendous crimes.

I would also like to underline that, in our view, in making R2P operational, all actions should refer exclusively to the four crimes and violations included in the concept. As the Secretary-General rightly points out in his report, "task ahead is not to reinterpret or renegotiate the conclusions of the World Summit but to find ways of implementing its decisions in a fully faithful and consistent manner" (*A/63/677, para. 2*).

While we stress that each and every pillar of the strategy articulated in the report has equal importance in the process of making R2P operational, it is Romania's firm belief that prevention should stand as the core priority. In this context, long-term assistance to States that need such support for capacity-building, with a view to being able to exercise their basic functions and to meet their responsibility to protect their population, is part and parcel of the prevention process.

Proposals regarding future actions that may be undertaken should be further explored, discussed and agreed upon. The lessons learned from past actions should guide our future decisions, but we should always keep in mind the utmost importance of avoiding duplication and of enforcing those mechanisms and tools that already exist. Existing United Nations programmes and others, such as those developed by the European Union, the Council of Europe and other regional bodies, provide a good framework to lay the foundations of an integrated platform for addressing the challenges posed by the implementation of actions meant to strengthen R2P-related international cooperation. Let us be the change we want to see.

Ms. Štiglic (Slovenia): At the outset, I should like to thank the President of the General Assembly for having organized this important debate. I should also like to thank the Secretary-General for his unwavering commitment and for his presentation of his report (A/63/677) on the responsibility to protect earlier this week. I should also like to thank his Special Adviser on the Responsibility to Protect, Edward Luck, for his outstanding contribution to this topic.

Slovenia fully associates itself with the statement delivered by the representative of Sweden on behalf of the European Union.

One cannot overstate the significance of this debate. At the end of the twentieth century, we witnessed events that shocked our human conscience. Genocide in Rwanda in 1994 was followed just one year later by the massacre in the United Nations-declared safe haven of Srebrenica in 1995. The credibility of the United Nations was damaged, and it still has not fully recovered.

These failures to protect human beings from mass atrocities and from gross and systematic human rights violations should not be repeated. We should have learned enduring lessons from these tragic events, yet in the past decade new situations and humanitarian crises have reminded us that we still have not found the right tools for responding in a timely and effective manner.

Today's debate provides the first opportunity for Member States to comprehensively address the responsibility to protect (R2P) in the General Assembly. It is our hope that this opportunity will be used not only to reflect on how best to implement the concept in practice, but also as an important step towards building confidence among States from various political and regional groups.

The responsibility to protect is our common responsibility. No region is immune to these atrocities; they can occur anywhere in the world at any time. We had never anticipated that evil like that seen in Srebrenica could happen in our vicinity, in the heart of Europe, 50 years after the horrors of the Second World War and the Holocaust. That was one of the reasons for Slovenia's active engagement in the inclusion of the R2P concept in the 2005 World Summit Outcome Document (resolution 60/1). It is now time to operationalize the concept in order to make a real difference on the ground.

We welcome the report of the Secretary-General on R2P and see it as a crucial starting point for discussions to follow. The report on the implementation of R2P is a comprehensive and balanced one. It narrows the scope of R2P to a set of four crimes and three equally important pillars. Moreover, the report outlines the importance of sovereignty by underlining that the purpose of R2P is to build responsible sovereignty, not to undermine it.

R2P is based on existing international law, and nothing about the concept implies any alteration to the provisions of the Charter of the United Nations. The responsibility to protect is not synonymous with military intervention. That is an important message to all of us.

Prevention, in our view, is the key element of implementing the responsibility to protect. Establishing an early warning capability, as mandated in paragraph 138 of the 2005 Outcome Document, is essential, and we look forward to seeing the Secretary-General's proposal for strengthening the United Nations early warning capacity later this year.

The role of Francis Deng, Special Adviser for the Prevention of Genocide, is of particular importance in this regard. The role of regional organizations is indispensable, given their knowledge of regions and the specificities of countries. The International Criminal Court is an essential pillar of the emerging system of international justice and a powerful tool for addressing and deterring the commission of the most serious crimes, such as genocide, war crimes and crimes against humanity.

Assistance to States and capacity-building to strengthen the capacity of States in their own responsibility to protect are equally important. The rule of law, a competent and independent judiciary, respect for human rights and fundamental freedoms, the protection of minorities, security sector reform, sustainable development, a robust civil society, an independent press and tolerant political culture all constitute indispensable elements of the implementation of R2P. All of the components I have just mentioned are fundamental to preventing the perpetration of crimes related to the responsibility to protect, to helping stabilize post-conflict societies and to preventing the recurrence of conflict.

Member States clearly hold the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. When all preventive measures fail and a State manifestly fails to protect its population from these crimes, the international community should be prepared to take collective action in a timely and decisive manner in accordance with the Charter of the United Nations to ensure an early and flexible response. There is a broad range of tools available under Chapters VI, VII and VIII of the Charter. We join those who call upon the permanent members of the Security Council to refrain from using their vetoes in situations of genocide, crimes against humanity and serious violations of international humanitarian law.

In the 2005 Outcome Document (resolution 60/1), the responsibility to protect was for the first time collectively and irrevocably endorsed by one of the largest gatherings of world leaders in history. The 2005 consensus was clear and based on a strict and narrow concept of what R2P is and what it is not. It is now our responsibility to implement it in practice. Addressing R2P and potential R2P situations ultimately remains a matter of political will. Indifference is not an option. The consequences of inaction far outweigh the risks of timely prevention and response. History will judge us on what we do in the face of the worst atrocities. We have the opportunity to transform the words "never again" into reality and to save the lives of innocent civilians. It is our responsibility to seize this opportunity.

We look forward to constructive discussions on this important concept within the United Nations and more broadly. The continued engagement of the General Assembly on this topic has proved to be necessary, and Slovenia looks forward to future reports of the Secretary-General on implementation steps related to the responsibility to protect.

Mrs. Picco (Monaco) (*spoke in French*): The debate that brings us together today has but one objective — to save human lives. In 2005, all of us endorsed the responsibility to protect our populations from genocide, war crimes, ethnic cleansing and crimes against humanity by adopting the Outcome Document of the 2005 Summit (resolution 60/1). Four years later, the Government of the Principality of Monaco positively welcomes the balanced report (A/63/677) submitted by the Secretary-General on implementing the responsibility to protect. We also welcome the way this concept has evolved in recent years.

In this regard, the Government of Monaco supports the strategy based on the following three fundamental pillars: the protection responsibilities of States, international assistance and capacity-building, and decisive responses on the part of the international community when required.

As pointed out by Mr. Jean-Paul Proust, Minister for Foreign Affairs of the Principality of Monaco, during the general debate of the sixtieth session of the General Assembly, it is time to start to "work constructively to ensure that the emerging concept of responsibility to protect becomes positive law as soon as possible" (*A/60/PV.10, p. 34*).

Monaco, which has always supported the concept of development centred on the human being, can only support the establishment of a system of principles and values aimed at promoting the protection of civilians in grave situations in the name of the concept of non-indifference. In this regard, it could be fruitful to draw inspiration from the Constitutive Acts of the African Union, which recognizes the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, while respecting the principle of non-interference in internal affairs and upholding respect for democratic principles, human rights, the rule of law and good governance.

The International Commission on Intervention and State Sovereignty has, for its part, contributed to defining the responsibility to protect as an ability to prevent mass violations of human rights, and to react to them and reconstruct when they do occur. Since, as the Secretary-General's report recalls, grave situations are not limited to any one part of the world, establishing an active partnership, based on mutual commitments that take the specificities of each State into consideration, would seem to answer the expectations of our heads of State and Government. In this way, the responsibility to protect strengthens sovereign States by helping them to meet their obligations.

While we await, with great interest, the proposals to be drawn up by the Secretary-General for the establishment of a United Nations rapid response mechanism, my delegation assures the Assembly of its readiness to work together with all Member States and to support efforts to reach consensus on this issue.

Mr. Al-Shafi (Qatar) (*spoke in Arabic*): I should like to express my gratitude to the President of the General Assembly for having organized the interactive debate and for holding this meeting on a most important issue — the responsibility to protect — that requires an expanded and frank discussion of its emerging specificities.

We express our gratitude to the Secretary-General for his useful report on implementing the responsibility to protect (A/63/677) and thank the panel of experts who participated in the interactive debate yesterday. We also align ourselves with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

In discussing this very important subject, we must realize above all that the principles and concepts of human rights and their protection continue to develop and advance in the modern world. We must, at the outset, agree on the importance of working together towards the continued promotion of this positive trend. In this context, it is natural that the concept of security should expand, develop, and incorporate new concepts, such as the responsibility to protect and human security.

No one could object to the noble foundations and aims of the principle of the responsibility to protect. The solidarity of human beings with their fellows rises above political, racial, ethnic and religious differences, and is one of the noblest achievements of human civilization. There is no doubt that the international community, united as one family, must not stand silent before crimes against humanity, war crimes, ethnic cleansing or genocide, no matter where they occur. It should act with complete equality and fairness in order to preserve the credibility of this international Organization.

In that understanding, the consensus reached by world leaders at the 2005 World Summit emphasized the importance of protecting civilians and the responsibility of Governments in that respect, as expressed in the Outcome Document (resolution 60/1) and reaffirmed by the Security Council in resolution 1674 (2006). Any discussion of responsibility entails an implicit discussion of accountability, but we all know that the Summit did not agree on what needs to be done in cases where Governments fail or are unwilling to protect their population. We also know the reason for that failure.

The implementation of the responsibility to protect must be subject to regulation in line with

international law, must not affect or undermine the territorial sovereignty of States, and must prioritize the protection of populations under occupation and States and populations subject to foreign invasion in violation of their sovereignty. Those who seek to develop the concept must strive to conclude a detailed, internationally agreed definition of situations in which the responsibility to protect should be invoked and of the conditions that must prevail before it can be invoked. This must be done by the principal political forum of the world — the General Assembly.

Furthermore, history has taught us that many measures introduced under noble principles were not in fact what they were purported to be. One of the most important examples of that dark history was the era of colonialism and racial segregation, which were justified even by eminent Western intellectuals of the time as enterprises seeking the welfare of the uncivilized, barbaric nations that were subjected to colonialism.

In addition to these theoretical obstacles, the implementation of the responsibility to protect is also hindered by practical obstacles, the most prominent of which is the fact that the United Nations, the foremost international mechanism through which any humanitarian intervention can be carried out in the name of the international community, is bound by political realities that make it difficult to implement this principle in a consistent or harmonized way, thereby impeding the universal acceptance of the principle. How can the Security Council implement and enforce the responsibility to protect when it has repeatedly and clearly failed to implement and enforce its mandate under Article 24 of the Charter of the United Nations to maintain international peace and security in the face of atrocities committed against populations? These failures can be attributed to certain considerations now under discussion in the context of the intergovernmental process to reform the Security Council. The recent events in Gaza and, before that, in Somalia, Iraq and Afghanistan highlighted the international community's reluctance to implement the responsibility to protect principle fairly, justly and without politicization.

One of the most important factors that have led to criticism of principles that, in theory, should be above criticism — the principles of humanitarian intervention, human security and the responsibility to protect — is their misuse, not to mention the double standards invoked in relation to them and their subjection to such ignoble principles such as the use of force, pre-emptive strikes and hegemony. Worse still are the abuse and exploitation of noble humanitarian principles as cover for pursuing political ends of an entirely apposite nature, as witnessed throughout the era of colonialism and to this very day.

With respect to the scope and mechanism of protection, we emphasize the importance of implementing such concepts in a manner that helps States to protect their populations. We emphasize a comprehensive approach to the protection of civilians because the procedures and provisions that have often been very effective in ending the suffering of civilians include the diplomatic, humanitarian and appropriate peaceful means set out in the Outcome Document of the 2005 Summit.

On the basis of its belief that preventive peaceful solutions are more effective and legitimate than the use of force, and that they are based on the principles of the Charter of the United Nations, in particular Chapter VI, the State of Qatar has repeatedly undertaken joint diplomatic efforts with the United Nations and friendly countries of our region and beyond, and has contributed to resolving international and regional disputes and to protecting the populations affected by those disputes. We take this opportunity to reaffirm the linkage between development and security and the need to promote collective efforts to achieve political and economic development in developing countries within the framework of tripartite cooperation in the service of humanity.

Mr. Beck (Solomon Islands): We are mandated by our leaders to carry on the debate on the concept of the responsibility to protect (R2P). I thank the President of the General Assembly for having convened this plenary meeting and for having organized the stimulating R2P panel discussion that took place yesterday. The full attendance demonstrates the keen interest of all Members in getting R2P right from the outset as we seek consensus on its details, mechanics and structure.

R2P is another never-again mechanism that acknowledges the weakness of the current humanitarian and international conventions and treaties and existing institutional gaps within the United Nations system as it confronts the four international

crimes identified in the Secretary-General's report (A/63/677).

My delegation has no difficulty with the intentions and purposes of R2P, and subscribes to its principles. The challenge before us is to find a common interpretation and approach in translating paragraphs 138 and 139 of the 2005 Summit Outcome Document (resolution 60/1) into action.

As alluded to earlier, it is important that we define the concept in the framework of our multilateral structure, taking into consideration past failures of our Organization to meet its responsibilities. We must also examine the responsibility to protect in the light of recently established bodies, including the Peacebuilding Commission, and of Security Council reform, in particular in relation to the non-use of vetoes by permanent members when discussing the four international crimes.

First, with regard to the role of the Peacebuilding Commission, my delegation believes that the Commission should extend its activities to all countries emerging from conflict, as much of its work addresses the underlying causes of genocide, war crimes, ethnic cleansing and crimes against humanity. This must be done in a neat and water-tight manner so as to ensure that it points States in need of assistance in the right direction.

Secondly, we must protect and preserve the spirit of the responsibility to protect and not allow it to be opened to abuse.

Thirdly, we must not broaden the implementation of the responsibility to protect to include non-State actors or other mechanisms not provided for under the Charter of the United Nations. My delegation insists that accountability in operationalizing R2P must be the front, centre and back of the concept. We need to increase the legitimacy of the General Assembly, giving greater voice to its 192 members to oversee R2P implementation.

I should like to comment on each of the three pillars identified in the report. My delegation has no difficulty with pillar one. The protection of a State's population is the responsibility of the State itself. State sovereignty entails the State's obligation and duty to protect its citizens. Solomon Islands underscores this fact against the background that we operate in an international system in which States remain the main actors.

While my delegation has no difficulty also with regard to pillar two, international assistance and capacity-building, we would like to make one point. International assistance and capacity-building are about strengthening a country's sovereignty. However, unchecked assistance in general weakens a State's sovereignty as the population of the receiving State become spectators to well-equipped and well-resourced external actors.

Pillar three, timely and decisive action, is an area where further discussion is necessary. Speed is critical if lives are to be saved. Also, the time period for intervention should be matched against specific goals to allow for natural phasing out.

My delegation values this discussion because of our sad experience of having been through an ethnic conflict. Solomon Islands has a population of half a million people speaking 87 different languages. As far back as 1998, when my Government saw the simmering of ethnic conflict, a 911 call went out. No one responded in any real way. The Commonwealth sent in some 20 police officers, but withdrew them in 2000 as the country's situation became uncertain. My regional neighbours stepped in, in 2003, and are contributing to stabilizing and strengthening the country's sovereignty. This year, the Regional Assistance Mission to the Solomon Islands will be celebrating its sixth anniversary.

Turning to the early warning system, this can work only if there is a closer relationship between our multilateral Organization and Member States and if we are to get qualitative data. This means a United Nations country presence is a must, compared with representation in the region.

Secondly, our multilateral Organization must be more representative and have staff that match the diversity of its membership. Diverse staff members will provide critical information within the Organization in the light of the fact that there are many less-studied countries that are Members of the United Nations.

Allow me to close by assuring members of the cooperation of Solomon Islands as we continue the dialogue on this people-centred concept.

Mr. Vilović (Croatia): At the outset, I wish to thank the President of the General Assembly for organizing this timely debate. Croatia welcomes the Secretary-General's report on implementing the responsibility to protect (A/63/677) and his commitment to the responsibility to protect (R2P) agenda.

Even though Croatia has aligned itself with the statement made on behalf of the European Union, I would like to take this opportunity to make some additional points.

As we read the report, especially those parts mentioning violence in our region, we cannot help but think of all the lives that could have been saved in Croatia. The civilian tragedy of Vukovar served as an important wake-up call for the international community and underscored the importance of preventing the recurrence of such tragic events in the future.

Mr. Beck (Solomon Islands), Vice-President, took the Chair.

It is regrettable that the international community and the United Nations itself failed to recognize and respond adequately to the ethnically inflammatory rhetoric that for us culminated with the tragedy and complete devastation of the civilian city of Vukovar. Even after the temporary cessation of hostilities and the creation of United Nations Protected Areas (UNPAs), first in Croatia and then in Bosnia and Herzegovina, we were witness to ethnically biased killings and the abhorrent practice of ethnic cleansing.

United Nations peacekeepers were present not only in the so-called UNPA regions of Croatia, where hundreds of thousands of Croatian people were forced from their homes and where hundreds lost their lives, but also in the United Nations-declared safe haven of Srebrenica, where 8,000 Bosniac men and boys fell victim to an act of genocide. We cannot say that the many early warning signs before these crimes were perpetrated were not apparent. Unfortunately these signals were ignored, which raises the issue that we believe is the most important aspect of the R2P principle, that is, prevention.

In 2008 the world witnessed the success of the work of the Secretary-General and his Special Adviser on the Prevention of Genocide in preventing post-election violence and an escalation of tensions in Kenya. They reminded political and community leaders that they can be held accountable for violations of international law. This is where the value of the International Criminal Court lies, especially when it comes to cases of widespread and systematic rape and sexual violence against women and children.

Croatia believes that the commitments undertaken at the Summit of world leaders in 2005, contained in paragraphs 138, 139 and 140 of its Outcome Document (resolution 60/1), deserve to be applauded. In agreeing on their responsibility to protect populations from the four egregious crimes outlined in that document, the international community accepted for the first time the collective responsibility to act should States fail to protect civilians. The purpose of such a commitment is to save lives by preventing mass violations of human rights while reinforcing the Charter of the United Nations and the abiding principles of responsible sovereignty.

We should, however, not confuse the responsibility to protect with the right to intervene. On the contrary, the responsibility to protect is a collective obligation that consists of three pillars: the protection responsibilities of the State; international assistance and capacity-building; and timely and decisive responses. As described in the Secretary-General's report, these three pillars offer numerous possibilities in implementing the responsibility to protect, from establishing effective mechanisms for handling domestic disputes to protecting the rights of women, children and minorities through the exercise of good offices and public and State diplomacy in assisting States under stress before a crisis breaks out.

The commitment to a timely and decisive response when a State is manifestly failing to protect its population from genocide, war crimes, ethnic cleansing or crimes against humanity is the last resort in situations where the first two pillars can be applied. However, where a rapidly unfolding situation requires sanctions or decisive action, Croatia believes that the Security Council, acting in accordance with the Charter, has a special responsibility.

The importance of the concept of the responsibility to protect lies in the many possibilities it offers towards achieving one fundamental and common goal, namely saving people's lives. As the United Nations strategy, standards, tools and processes on the responsibility to protect are developed in the General Assembly, each Member State has a unique opportunity

to fulfil a historic gap that can be found somewhere between non-interference and intervention.

Each Member State and the international community as a whole can stand ready to put into action the promises our world leaders made in 2005. We have the commitment. What we need now is the political will to guarantee that it is implemented.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): Jordan associates itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. I would like to thank the President of the General Assembly for having organized this in-depth dialogue on the implementation of the responsibility to protect.

Jordan welcomes the Secretary-General's report entitled "Implementing the responsibility to protect" (A/63/677). We believe this is a worthy project, which initiates an effective dialogue within the framework of the Assembly on a very important issue.

We in Jordan are convinced that the dark events of history must not be repeated. Massacres and other atrocities must never be allowed to happen again. Jordan, as a State party to the Statute of the International Criminal Court, firmly believes in the importance of the concept of the responsibility to protect and the priority given to it by the international community. My delegation is prepared to work with all parties at all levels with a view to developing an action plan agreed by all that would make it possible for us to place this concept in a framework that makes its implementation possible.

Jordan believes that paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1) form a firm political and moral foundation for a system to be agreed upon by the international community through the United Nations to implement the responsibility to protect. Those paragraphs express the unanimous view of the international community in that regard.

Jordan reaffirms the role of international law in the prevention of conflicts and in addressing their aftermath. Jordan is fully involved in the work of the International Criminal Court and has acceded to all international conventions relating to violence, genocide, ethnic cleansing, crimes against humanity and war crimes.

Jordan has given serious consideration to the Secretary-General's three-pillar strategy based on the four criteria established in the Outcome Document. My Government believes in dialogue to prevent conflicts and in strengthened preventive measures that would make it possible to avert these crimes, as well as in the use of peaceful tools, peacekeeping operations and non-coercive measures.

My delegation believes that adopting and implementing the Secretary-General's strategy requires an open and transparent dialogue involving all parties and in the interest of all States Members of the United Nations. We believe that the Assembly's debate on implementing the concept should, in the future, be focused on the following four points.

First, we must take into account the concerns of States regarding the misuse of the concept outside the framework defined in paragraphs 138 and 139 of the 2005 World Summit Outcome Document. We should make an effort to dispel the impression that the concept is linked to interference and to an inevitable recourse to military force. We should make it clear that the concept's implementation is limited to the four types of crimes envisaged in the Outcome Document. Any attempt to expand the scope of application of the strategy beyond those four criteria would threaten and even undermine the viability of the concept and its chances for success.

Secondly, the successful implementation of this concept is closely linked to the credibility and viability of the strategy. We should avoid selective approaches in that regard. Political considerations and conflicts of interest would have a negative impact on the decision-making process and would thus undermine the international community's trust in the concept of the responsibility to protect. If the concept is not subject to firmly established criteria, it would lose credibility.

Thirdly, Jordan supports and endorses the Secretary-General's rapid response strategy. We believe that mass atrocities and war crimes do not come without warning, signals or information; rather, some forces persist in committing massacres, and the international community lacks the will to stop it. Therefore, the political will of the international community is paramount, independent of the political interests of the parties involved in a conflict. That is the core of the strategy and the basis for its successful implementation.

Fourthly, Jordan, as a member of the Small Five Group — Costa Rica, Liechtenstein, Singapore, Switzerland and my own country — and an active participant in the International Criminal Court, calls for the exclusive use of this concept within the framework of the strategy outlined by the Secretary-General. The strategy is truly viable and has a great deal of promise. To make sure that it succeeds, my delegation associates itself with the Secretary-General's appeal to States with respect to the need for the five permanent members of the Security Council to refrain from expanding the scope of application of the concept beyond the four criteria envisaged in the Secretary-General's strategy. Jordan welcomes the continued review of this issue by the General Assembly, which will open up a dialogue in this regard.

The General Assembly must further consider the role of the Human Rights Council, the Peacebuilding Commission and the Economic and Social Council in making the concept of the responsibility to protect more specific and concrete. We believe that the national responsibility borne by States is the true foundation of the strategy. To ensure that this responsibility functions in an optimal way, we should focus on the second pillar: international assistance and capacity-building. The international community must redouble its efforts in that regard and invest further time, effort and resources in the second pillar in order to ensure the success of the Secretary-General's strategy.

Mr. Olinger (Luxembourg) (*spoke in French*): I welcome the organization of this General Assembly debate to discuss the report of the Secretary-General on implementing the responsibility to protect (A/63/677). I fully associate myself with the statement made by the representative of Sweden on behalf of the European Union.

The concept of the responsibility to protect has been endorsed by our leaders at the highest level. At the 2005 World Summit, the General Assembly unanimously adopted the Outcome Document (resolution 60/1), whose paragraphs 138 and 139 form the basis of the responsibility to protect. The entire international community has undertaken a solemn commitment and has set forth the obligation of each State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Our heads of State or Government have recognized that it is fundamental to avoid the avoidable, namely the repetition of the failures of the international community in the face of atrocities committed in Rwanda, the former Yugoslavia and Cambodia. This first report on implementing the responsibility to protect is a key step towards formulating a concrete strategy aiming to translate this concept into reality.

All States Members of the United Nations recognized in 2005 that the responsibility to protect neither calls into question the principle of State sovereignty, which is at the core of international relations in the twenty-first century, nor justifies arbitrary interventionism. As the Secretary-General recalls in his report, the responsibility to protect is an ally of sovereignty, not an adversary. Sovereignty entails rights but also responsibilities, and, among the latter, none is as important as the responsibility to protect one's citizens. The scope of this responsibility is limited to four types of particularly heinous crimes.

Parallel to that, paragraphs 138 and 139 provide that the international community should assist States in meeting their obligations under the responsibility to protect by encouraging them to effectively carry out their responsibilities and by assisting them to strengthen their national capacities to prevent crimes.

Preventive action is indeed the key component of the responsibility to protect as it seeks to save lives. Establishing an early warning system, as the report suggests, could indeed contribute to preventing potential tragedies.

My country is convinced that investing in training programmes on human rights, mediation, conflict prevention, crisis management and good governance will be beneficial in the long term. Many international actors can also play a crucial role in terms of prevention, in particular regional organizations — and here I would just mention the Economic Community of West African States, which has an early warning mechanism — the Human Rights Council through its universal periodic review mechanism, the Peacebuilding Commission, the international justice system, fact-finding missions, humanitarian actors, peacekeepers and the Secretary-General himself. It is, however, first and foremost up to Member States to work to prevent conflicts.

Finally, the responsibility to protect can also translate into collective action by the international community, through the United Nations, on a case-by-

case basis, to protect populations against crimes and serious violations, when States manifestly fail to meet their protection obligations. In rapidly evolving situations, it is indeed vital that we be able to respond as quickly as possible to save human lives.

While there might be differences of views on the responsibility to protect, there is, however, a strong consensus among all Member States to honour the principle of "never again". The concept is defined; it is now time to focus on its implementation. My country welcomes the recommendations set out in the report for implementing the responsibility to protect. Above all, we must all show the necessary political will to take this implementation forward at the United Nations and to deepen the concept on the basis of further contributions from the Secretary-General.

The memory of the millions of victims of past atrocities is a constant reminder that we have a burning obligation to pursue our dialogue in this forum in order to implement the responsibility to protect.

Ms. Rovirosa (Mexico) (*spoke in Spanish*): I thank the President of the General Assembly for convening this series of meetings, which provide an excellent opportunity to discuss the responsibility to protect. Mexico likewise would like to express its thanks to the Secretary-General for the preparation of the report on implementing the responsibility to protect (A/63/677). We recognize his commitment to this issue and the excellent work he has carried out with the support of his Special Adviser, Mr. Edward Luck.

The debate on implementing the responsibility to protect is urgently needed to promote a better understanding among Assembly members of the scope of this concept, of the commitments made by States during the 2005 World Summit and of the role of the Organization in making this concept operational in strict conformity with the Charter of the United Nations. There is no doubt that the Secretary-General's report provides enormously valuable input in reaching this objective.

The responsibility to protect is a concept that arose as a response to the historical indifference of the international community when faced with massive violations of human rights and humanitarian atrocities because interests other than the protection of persons came first. There are many examples, and we are all aware of them. There are some very recent ones, which we still remember, and others that remain painfully topical.

The scope of the concept is described in paragraph 138 and 139 of the 2005 World Summit Outcome (resolution 60/1). Unlike other concepts with which it is associated, such as humanitarian intervention, the concept of the responsibility to protect has a much sounder basis in international law, since it was adopted by the General Assembly at the highest possible level and endorsed by the Security Council. Furthermore, the concept draws upon and is based on existing international law, in particular human rights and international humanitarian law, the protection of which is a bridge between States with regard to this responsibility.

In accordance with the 2005 World Summit Outcome, this is an obligation that, without any doubt, falls primarily to each individual State. But when persuasion and peaceful means have failed in ensuring compliance with this obligation, it is transferred to the international community. Hence, the issue is to know what concrete measures we are talking about and within what framework they should be adopted.

Mexico supports the Secretary-General's report and appreciates the effort to identify and develop the three pillars through which it is proposed to implement the responsibility to protect. On the basis of this approach, we believe that developing the concept's normative nature is of great importance, since the more precision we have, the more certainty we will have about the responses that the international community is called upon to undertake in the most pressing humanitarian crises.

Allow me to go into more detail on the subject. State sovereignty is and continues to be the cornerstone of the international legal order. Essentially, what this means is that sovereignty represents the freedom of States within the framework of international law. The concept of the responsibility to protect is based precisely on the formula developed by the Permanent Court of International Justice in 1923 in the *Wimbledon* case. This formula remains true and valid, although the emphasis today is placed on the duties of States towards their populations, precisely because of the historical reasons we have cited.

The first two pillars mentioned in the Secretary-General's report specify the recognition by States of this understanding of sovereignty and establish the

means of assistance that the international community, through regional organizations and the United Nations system, would provide to States when necessary. In other words, the Organization's complementary function is well delineated vis-à-vis the sovereign jurisdiction of States.

The third pillar, from our point of view, requires more specifics. It is true, for example, that timely, decisive responses require a certain flexibility to achieve their objectives. However, they should not become abuses because of the emphasis put on ad hoc responses, thus detracting from the certainty that is necessary for legitimacy. We therefore believe it essential for the General Assembly to continue this work in the immediate future.

It should also be clear that, in accordance with the report itself, timely and decisive responses expressly exclude any possibility of unilateral action in violation of the Charter. There is thus no doubt that the responsibility to protect in no way alters the obligation of States to refrain from the use of force. In this regard, it should be recalled that the third pillar includes measures that the international community can adopt in the collective security framework provided for in the Charter, beyond those of a coercive nature under Chapter VII. In this regard, mediation and preventive diplomacy, to cite two examples, are tools that can be used to implement the responsibility to protect. The Secretary-General can play a leading role in this by carrying out his inherent responsibilities in accordance with the Charter.

In this context, we must also consider what practice the Organization should develop in invoking the responsibility to protect. I want to stress that, for Mexico, this aspect is essential to guaranteeing that this concept is invoked appropriately, used incrementally and adapted to the specific circumstances of each case. Ultimately, that practice is what will guarantee the legitimacy and prestige of the Organization.

On that aspect, I would like to highlight in passing what we see as the duality of the responsibility to protect. On one hand, it is obvious that that concept is designed to protect victims from four specific crimes and to avert the commission of many others. On the other, we believe that it has a dimension that is directly linked to the strengthening of multilateral action and the work of this Organization. In other words, the responsibility to protect provides the United Nations with the opportunity to strengthen its role in responding to situations similar to those that, in the past, it has only observed from the sidelines or, still worse, had to recognize after the fact.

Returning to the topic of the Organization's practice, Mexico believes the range of actions set out under each of the pillars in the Secretary-General's report to be appropriate. Thanks to those, the international community has the capacity and the duty to design policies to deploy the capacities of regional systems and of the United Nations, in a process that favours prevention and the strengthening of State institutions over other methods, such as coercive ones. In that regard, the emphasis that the Secretary-General places on prevention as the driver of the responsibility to protect is very valid.

Allow me to briefly address the role that the Security Council should play. The decision of Member States to take timely and decisive collective action through the Security Council when faced by a situation that falls under the criteria of the responsibility to protect is, without doubt, very effective as a deterrent.

Nonetheless, it must remain very clear that the practice and procedures developed by the Security Council in that area will define the space for other kinds of situations, in which interventions are attempted for purposes other than protection. The Security Council must avoid the temptation to use the responsibility to protect as a means to alter the Charter obligations of States with regard to the use of force or the exceptions to those obligations. However, it is not insignificant to recall that the responsibility to protect always unfolds within the parameters of the Charter, thus providing legality and legitimacy for the international community's necessary action.

Allow me to conclude by pointing out that implementing the responsibility to protect needs us all to design strategies that are common in their goals, but with differences according to the nature of each organ of the Organization. Through the General Assembly, we must continue to develop ways to implement the responsibility to protect in the light of the guiding principles established under the Charter.

I reaffirm Mexico's full support for the report of the Secretary-General and its commitment to work towards a common understanding in this very important area, on the basis of a multilateral strategy.

Mr. Gasana (Rwanda): I thank the President of the General Assembly very much for convening this debate to consider the Secretary-General's report (A/63/677) on implementing the responsibility to protect (R2P). Let me also take this opportunity to thank the Secretary-General for his eloquent and powerful presentation of the report (see A/63/PV.96), which we warmly welcome. Let me also thank his Special Adviser, Mr. Edward Luck, for his continued commitment and contribution to furthering the consideration of the responsibility to protect.

The adoption of the 2005 World Summit Outcome Document (resolution 60/1) by our heads of State or Government four years ago enshrined the principle of the responsibility to protect and marked a pivotal moment in the international community's response to genocide, war crimes, ethnic cleansing and crimes against humanity. The Secretary-General's report and the deliberations that we have had in the last few days will provide for the logical next steps in realizing and implementing the aspirations of our heads of State or Government, as set out in paragraphs 138 and 139 of the World Summit Outcome Document.

The genocide that claimed the lives of over a million of my countrywomen and countrymen, my own kith and kin, in a hundred days 15 years ago is known to all present and has been cited by many speakers as the rationale for the responsibility to protect. In many respects, that is the case. Our tragedy is compounded by the fact that the genocide in Rwanda was entirely preventable. The early warning signs were there. A United Nations peacekeeping force was present on the ground. But, as the Permanent Representative of New Zealand reminded us yesterday (see A/63/PV.97), some permanent members of the Security Council debated whether or not to call it genocide while people were being massacred — almost 10,000 a day.

Some have argued that even if the responsibility to protect had been agreed, the genocide would still have taken place. That may very well be the case. However, we are firmly of the view that the 2005 World Summit Outcome Document, the Secretary-General's report and the debate that we are having today make it much less likely that the horrific events that took place in Rwanda in 1994 will be repeated anywhere.

The Secretary-General's report builds upon paragraphs 138 and 139 of the World Summit Outcome and clarifies the concept into three pillars and four crimes. The three pillars — namely, the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response — offer an unambiguous framework for the implementation of R2P.

The African Union (AU) and African regional economic communities have made great strides, in line with the three pillars, to implement and operationalize R2P. The AU Constitutive Act makes clear the policy of non-indifference and in its article 4 (h) outlines the right to intervene in a member State pursuant to a decision of the AU Assembly in respect of grave circumstances, namely war crimes, genocide or crimes against humanity. The African Peer Review Mechanism, the African Standby Force and the International Conference on the Great Lakes Region, among other mechanisms, highlight the leading role that African States have taken. It is imperative that the laudable efforts of the African Union under pillar two be given the necessary support in order to augment and strengthen them.

My own Government has been active in its efforts in line with the three pillars. Through the East African Community and the establishment of the Eastern Africa Standby Brigade and the Regional Programme for Action on Peace and Security of the International Conference on the Great Lakes Region, my Government has also steadily increased its contribution to peacekeeping and will continue to do so. Rwanda will continue to support and strengthen partnerships between civil society organizations and Government to highlight the responsibility to protect in Rwanda and throughout the region.

We are cognizant that aspects of R2P require further elaboration. Further clarity is required, for example, on the threshold for intervention and on who determines that the threshold has been met; on the respective roles of the General Assembly and the Security Council in implementing R2P; on the critical issue of the use of the veto in cases of genocide, which we firmly believe should be abolished; on the establishment and strengthening of early warning mechanisms; and on the question of intervention. We, however, have a different view on the latter aspect: the objective of R2P should be to eliminate the need for intervention by ensuring that the measures called for in pillars one and two are implemented in a timely and

transparent manner. We view this debate as an important step in further clarifying these concerns.

In conclusion, it is our considered view that the debate on the Secretary-General's report on implementing the responsibility to protect should not be an exercise in intellectual posturing or an opportunity to grind political axes or engage in polemics; it is simply about the value we place upon human life. It is fallacious to believe that the events that took place in Rwanda are limited to or could only occur in a particular region or country. History suggests otherwise. It is incumbent upon us to make certain that history does not repeat itself.

Mr. Çorman (Turkey): As the full text of my statement is being circulated, I will be brief in my remarks.

Adoption of the concept of the responsibility to protect (R2P) was one of the major achievements of the 2005 World Summit. The Secretary-General's 12 January 2009 report on R2P (A/63/677) is another important step. It is a product of meticulous study and is surely welcome. It is our hope that our discussion here today here will contribute to the conceptual development of this important concept.

It is regrettable to witness that the crime of genocide, war crimes, ethnic cleansing and crimes against humanity are still being committed. Needless to say, protection of civilians is a common concern and constitutes a priority for all members of the international community. However, translating the concept of R2P into current action is an exercise that requires diligence. It is true that we should stick to the carefully drafted and balanced text of the Summit Outcome Document (resolution 60/1) as it relates to R2P, but we should also be able to further identify and clarify the elements of the concept in order to avoid misperceptions.

The responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity rests primarily with States. Prevention of such crimes by State authorities in a lawful and timely manner is the most desirable way to exercise this responsibility. Thus, the rule of law and a properly functioning judicial system are the key factors in deterring potential perpetrators of such crimes. Only if there is no impunity will sustainable prevention be possible.

In cases where prevention is not possible, detection of crises at their initial phases is of utmost importance so that their appalling consequences can be prevented or at least mitigated. For this purpose, the United Nations, its Member States and other stakeholders must work as a whole, in a coordinated, coherent and cooperative manner.

In exceptional cases where States cannot or will not protect their populations, the international community has the responsibility to do so through a range of means, from sanctions to, as a last resort, collective action. However, we must be extremely careful in resorting to these coercive measures and must always seek to enable the States in question to assume and deliver on their responsibilities. The very concept of R2P is, first and foremost, designed for that purpose.

We believe that R2P is not limited to prevention and reaction. It also covers post-conflict rehabilitation. Indeed, for the protection of civilians in the long term, it is crucial to ensure that States not find themselves at the end of the day still challenged by the underlying problems that had caused or triggered the crisis itself.

Finally, there is another important dimension on which we all must focus. This concept has been misused on various occasions in the past. It should therefore come as no surprise to any of us that many States perceive that they are faced with a new concept of neocolonialism. R2P should therefore be better defined and better communicated in order to overcome misperceptions. Otherwise, it will be difficult for the promoters of the concept to gain the confidence and support of the wider membership.

Mrs. Pino Rivero (Cuba) (*spoke in Spanish*): First of all, my delegation aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. I would like to offer some general considerations about the issue being discussed today, and then make some preliminary comments on the report of the Secretary-General (A/63/677).

The notion of the responsibility to protect does not exist as a legal obligation provided for in any instrument of international law or in the Charter of the United Nations. Although we recognize the responsibility of each State to promote and protect all the human rights of its people, we are concerned about the proliferation of ambiguous and similar terms that,

under an indiscriminate humanitarian mantle, could in practice entail a violation of the principle of State sovereignty and in general of the Charter of the United Nations and international law. One need only recall so-called humanitarian intervention and the old "temporary interposition" of the early twentieth century.

Cuba reaffirms that respect for State sovereignty is one of the essential foundations of international relations and cannot be rejected, even for noble purposes. Without it, the United Nations could not survive and the small countries of the South would be left to the mercy of the large and powerful countries.

To claim that the principle of sovereignty has hampered United Nations activities to assist the suffering is to distort the truth. The Organization's failure to act is sometimes caused by, inter alia, lack of political will, selectivity, double standards, limited development resources and dysfunctions in some of its bodies, such as the Security Council.

Despite the fact that it is 60 years old, the Charter of the United Nations has the international community's unanimous support, and its provisions — including its principles and purposes — do not require amendment or reinterpretation.

The norms of international law and the Charter of the United Nations codify the legal framework for international cooperation to resolve international problems of an economic, social, cultural or humanitarian nature, as well the obligations of States to promote and protect human rights. Solutions to such problems are set out in Chapter IX of the Charter. In particular, Article 60 provides that responsibility for the discharge of such functions shall be vested in the General Assembly and, under its authority, in the Economic and Social Council.

In that connection, we consider that the General Assembly is the appropriate forum for the in-depth consideration of genocide, war crimes, ethnic cleansing and crimes against humanity, which are horrendous crimes that we repudiate. Certainly, the decisions of the Assembly are not binding. However, as it is a democratic and transparent body of universal composition, its decisions can provide legitimacy and attract international consensus much more effectively than those of the Security Council.

The Security Council lacks the capacity to take decisions on international problems of an economic, social, cultural or humanitarian nature. In international law, international peace and security are linked to the prohibition of the threat or use of force because, in keeping with the spirit of the Charter, the concept of collective security can be activated only in an inter-State situation or to protect a State against external aggression, which poses a threat to international peace.

No juridical norm can legally justify humanitarian intervention by the Security Council under Chapter VII of the Charter. If such a legal norm existed, we believe that the current, unjust international order, plagued by double standards, would guarantee neither credibility nor justice for all States on an equal basis. It would represent a violation of the main achievements of contemporary international law — the illegality of war and the prohibition of the use of force. Thorough reform of the composition and working methods of the Council would be required to ensure the non-abusive and non-selective use of that term.

We need only cite the Security Council's utter failure to act during Israel's attacks against Lebanon in 2006 and against Gaza in late 2008, when obvious acts of genocide and war crimes were occurring; or, at the other end of the spectrum, the attempt by a permanent Council member to invoke the responsibility to protect against Myanmar following Cyclone Nargis in 2008. The countries affected by omission or commission in such cases are always developing countries.

We reaffirm that international humanitarian law does not provide for the right of humanitarian intervention as an exception to the principle of non-use of force. The non-coercive nature of the Council's work conflicts with its ability to take decisions of a coercive nature. That is why humanitarian actors must fully respect the guiding principles of humanitarian assistance and work to provide humanitarian assistance at the request and with the consent of the affected State.

Countless questions illustrate the legal, political and ethical complexity of this problem. For example, who decides if there is an urgent need for intervention in a particular State; what criteria, within what framework and on the basis of what conditions? Who decides when it is obvious that a State's authorities are not protecting its population, and how is the decision reached? Do small States also have the right and the

genuine ability to interfere in the internal affairs of larger States? How and where is the line drawn between intervening by virtue of the responsibility to protect and intervening for political or strategic purposes, and when do political considerations trump humanitarian conditions? How can we believe in the good faith of Powers that carry out wars of aggression against other nations? Is it legal and ethical to kill for food? Is it legal and ethical to save an ethnic group from ethnic cleansing by killing the other party? When do foreign forces of occupation withdraw? When does the violation of a country's sovereignty end?

The language agreed at the 2005 World Summit regarding the responsibility to protect did not make that term a concept or a standard of law. Its ambiguity gave rise to an intense debate that should be conducted step by step. First, we should work together to close its legal loopholes and then, if Member States consider it appropriate, the concept's viability should be assessed. The debate must concern genocide, war crimes, ethnic cleansing and crimes against humanity. Any attempt to expand the term to cover other calamities — such as AIDS, climate change or natural disasters — would undermine the language of the 2005 World Summit Outcome Document (resolution 60/1).

We believe that the report goes beyond what was agreed at the intergovernmental level when it addresses the human rights issue in the first two pillars and in its annex. It grants prerogatives to the special procedures of the Human Rights Council and to the Office of the United Nations High Commissioner for Human Rights that belong to States. We also believe that more discussion on the early warning mechanism is needed.

The proposal that donor countries incorporate the responsibility to protect into assistance programmes could create new conditionalities for operational activities to promote development. We are concerned by the flexibility and automatic interdependence related to the implementation of the three pillars, as well as by the fact that they can be used at any time, which implies the taking of stronger measures without clear reasons for doing so.

The ambiguous reference to regional mechanisms or agreements and the extraregional aspect is highly controversial. As with NATO aggressions, including those outside its region, we would run the risk of undermining international legislation on behalf of the principles and purposes of the Charter of the United Nations and international law.

Moreover, the report lacks an analysis of this concept from the perspective of the legitimate right of peoples to self-determination and the promotion of dialogue among civilizations, tolerance and, in general, a culture of peace and non-violence in the world. The report also fails to duly delineate the principles of voluntary acceptance and of the prior request and consent of each State for assistance and capacity-building, including that of a military nature.

These are some of the concerns that arose from our preliminary study of the report, which we will continue to analyse. This is the first time that Member States have held a formal debate on this concept, and it requires deeper analysis in the framework of the General Assembly.

Mr. Bródi (Hungary): The Republic of Hungary welcomes this opportunity for a broad-based debate on the implementation of the principle of the responsibility to protect.

My delegation fully aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union.

It is indisputable that the main challenge to mankind has always been learning from the mistakes of the past, especially in preventing the repetition of the crimes of previous decades and centuries. This is why it is particularly significant that heads of State and Government unanimously reaffirmed in the 2005 World Summit Outcome (resolution 60/1) that each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. At the same time, they underlined that the most important task of the international community is not only to punish the perpetrators of the most serious crimes, but also to not let these crimes ever happen again.

In this process, the first report of the Secretary-General on the implementation of the responsibility to protect (A/63/677) is of crucial importance. The Republic of Hungary warmly welcomes the report and finds its analysis remarkable and well balanced. The report gives clear guidance to Member States on the implementation of the concept and identifies the ways and means to achieve our common goal — the fullest protection of the population. We concur with the

Secretary-General's conclusion that the three pillars of the responsibility to protect, as described in the report, together constitute a complete implementation of the concept. No pillar can be singled out as the ultimate solution to all of the problems.

There is equal emphasis on the shared responsibility of each individual State and the international community to avert any kind of violation of international law. It is evident, however, that the primary responsibility is on States to protect their populations. Notwithstanding the basic principle of State sovereignty, it is hard to contest the fact that State sovereignty implies not only rights, but also responsibilities and obligations under international law, especially the protection of human rights and fundamental freedoms. Therefore, if a State has manifestly failed to do so, the international community has the moral obligation to give a timely and decisive response.

Depending on the particular circumstances, the international community has to act efficiently by assisting States in fulfilling their responsibility and in building their protection capacities. In this regard, the international instruments and mechanisms for early warning, conflict prevention, mediation and crisis management should be further improved.

Based on current experience in this particular field, the potential and significance of regional organizations should not be underestimated. In cases where, despite all these efforts, a State is manifestly failing to meet its responsibilities, the response of the international community should be prompt, and necessary action might even be taken by the Security Council in accordance with the Charter of the United Nations.

I would like to draw the Assembly's attention to the fact that one particular goal can clearly be found in each individual pillar of the report, and that is the importance of prevention. Recent research shows and makes it evident that the progression of events towards genocide is gradual and that the period from initial threat to full genocide offers ample warning time in which the international community can take preventive action. The international community should make use of this fact to enhance the efficiency of its activities in this field.

When it comes to the prevention of genocide and mass atrocities, one of the major impediments to acting efficiently is the lack of institutional capacity. We strongly believe that there is a clear and urgent need for further institution-building in this respect.

That is the reason why, last year, Hungary decided to prepare a feasibility study on the establishment of an international centre for the prevention of genocide and mass atrocities, to be located in Budapest. Such a centre could stimulate worldwide cooperative efforts in the next few years to establish a well-functioning system for the prevention of genocide and mass atrocities through a dynamic and systematic approach involving early action mechanisms. The centre is envisaged to work in close cooperation with the United Nations, the Office of the Special Adviser on the Prevention of Genocide, the Office of the High Commissioner for Human Rights and other United Nations bodies.

It is our hope that the centre will become a catalyst for information and early warnings coming from various sources and a research mechanism to elaborate and transform them into relevant policy recommendations for the international community. To achieve this goal, we are soliciting the invaluable support of the United Nations and its Member States in the establishment and operation of the centre.

Mr. Puri (India): I would at the outset like to place on record my delegation's appreciation to the President of the General Assembly for convening these discussions. I would also like to record our appreciation to the Secretary-General for the presentation of his report entitled "Implementing the responsibility to protect" (A/63/677) to the General Assembly on 21 July 2009.

The discussions so far have left some of us deeply disturbed. Perhaps it is a sign of the troubled times we live in that these discussions continue to reveal both a sense of helplessness and deep intellectual acrimony in finding the political will to prevent the recurrence of the four identified mass atrocities.

It has been India's consistent view that the responsibility to protect its population is one of the foremost responsibilities of every State. The right to life is one of the rights from which no derogation is permitted, even in time of emergency. This is a cardinal obligation under our Constitution. The International Covenant on Civil and Political Rights,

which has 164 States parties, also has this as its core obligation.

Paragraph 138 of the World Summit Outcome Document (resolution 60/1) clearly demands that the international community encourage and help States to exercise their responsibility to prevent genocide, ethnic cleansing, war crimes and crimes against humanity and support the United Nations in establishing an early warning capability. Capacity-building and early warning are indeed critical to ensure that these four mass atrocities do not recur. The report of the Secretary-General has very well identified several proposals under pillars one and two in this regard. These should be worked on intensively by the international community.

Protection of populations is identified by the Secretary-General as a defining attribute of sovereignty and statehood in the twenty-first century. However, sovereignty as responsibility has always been a defining attribute of nation-States, where safeguards for protection of fundamental rights of citizens are constitutionally provided.

In the international arena, insofar as the identified four mass atrocities are concerned, we have a specific Convention on the Prevention and Punishment of the Crime of Genocide and several other legal instruments that not only lay down extensive obligations of States towards their citizens but also hold them accountable when necessary. In fact, the entire human rights regime is fundamentally predicated on this.

The responsibility of the international community has also been identified, be it regarding war crimes or regarding genocide. For example, under the Genocide Convention, on the request of a State party, the competent organs of the United Nations can take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

Regrettably, despite all the safeguards and obligations, the international community has in the past failed in its duty to respond to mass atrocities, even when they were a clear threat to international peace and security. It is for this reason that this issue came up for consideration at the 2005 World Summit.

The 2005 World Summit Outcome was a large omnibus document that tried to find common ground on a vast array of issues of global interest. Of course, while disagreement prevented the document from addressing disarmament, we also need to accept that on the issue of the responsibility to protect there was a cautious go-ahead. Discussions to provide doctrinal, policy and institutional life for paragraphs 138 and 139, if they are to be faithful to the 2005 document, must therefore not lose sight of this fact.

Since words have meaning, it would be useful to recall that in paragraph 139, the international community was enjoined to use appropriate diplomatic, humanitarian and other peaceful methods and, I would like to repeat, peaceful means, to help protect populations in the specific situations of genocide, ethnic cleansing, war crimes and crimes against humanity.

Willingness to take Chapter VII measures can only be on a case-by-case basis and in cooperation with relevant regional organizations with the specific proviso that such actions only be taken when peaceful means are inadequate and national authorities manifestly fail in discharging their duty.

Not only do these measures have to be used as a last resort, but they have to be in conformity with the provisions of the United Nations Charter. Moreover, we also have to be realistic. As we do not live in an ideal world, we need to be cognizant that the creation of new norms should at the same time completely safeguard against the misuse of those norms. In this context, the responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action. That would not only give the responsibility to protect a bad name but would also defeat its very purpose. Perhaps finalization and adoption of the definition of aggression under the Rome Statute would to some extent assuage the concerns regarding the misuse of this idea.

As students of history, we should remember that to disregard the lessons of history makes us vulnerable and commits us to the folly of repeating mistakes of the past. The need for extra vigilance, therefore, cannot be overemphasized.

The 2005 World Summit Outcome Document provides the parameters regarding the application of the responsibility to protect to the four identified mass atrocities. Our deliberations must therefore be within that framework. Sticking to these parameters is important in view of the very general linguistic meaning that the expression "responsibility to protect"

can invoke. We are all aware that even after 2005 there have been attempts to use the responsibility to protect disingenuously, including at the highest levels in the international community.

It is therefore important that the General Assembly discuss these issues holistically in an open, inclusive and transparent manner, so that in developing this new idea, we will ensure that it is used only for its stated purpose and that the potential for its misuse is minimized.

The Secretary-General's report examines some of the most heinous events that occurred under the watch of the United Nations and notes the issue of the gulf between mandate and means. Even a cursory examination of reasons for non-action by the United Nations, especially by the Security Council, reveals that in respect of tragic events that were witnessed by the entire world, non-action was not due to lack of warning, resources or the barrier of State sovereignty, but was due to the strategic, political or economic considerations of those on which the present international architecture places the onus to act.

The key aspect, therefore, is to address the issue of willingness to act. Here, of course, a necessary ingredient is real reform of decision-making bodies in the United Nations, especially the Security Council and its permanent membership structure, to reflect contemporary realities and make them forces for peace capable of acting against mass atrocities.

Mr. Casal de Fonsdeviela (Andorra) (*spoke in French*): Let me thank the Secretary-General for the relevance and soundness of his report as it relates to an ongoing dialogue on the responsibility to protect.

As members know, at the 2005 World Summit the Principality of Andorra fully endorsed the adoption of paragraphs 138 and 139 of the Outcome Document (resolution 60/1). We support the responsibility of States to protect their population from crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. We also understand that each State must protect its own people from these evils and must be the first to do so. This right, which is also an obligation, must be exercised long before these violations are committed.

We are the first to say that the protection of populations cannot be complete unless it is preventive. But it is also true that States may fail in this task, in which case international assistance alone can ensure the protection of the population.

Recent history teaches us — and I am speaking here as a European — that the need to protect applies to all continents. Therefore it is conceivable and natural that the United Nations should possess the means for providing an international response. The Organization is best suited to coordinate the necessary responses, responses that must be proportionate to and commensurate with what is at stake.

That is why we welcome efforts, including those of the Secretary-General, to reach the broadest possible consensus and to build an effective system to protect populations.

Mr. Bodini (San Marino): San Marino welcomes the debate on the responsibility to protect (R2P). This debate represents a great opportunity to reaffirm our global commitment to R2P. San Marino welcomes and appreciates the Secretary-General's report on implementation (A/63/677) and reiterates its support for the 2005 World Summit Outcome Document (resolution 60/1), especially its paragraphs 138 and 139.

San Marino, being a small country without an army to protect itself, is very sensitive to this issue. Therefore, we strongly welcome the United Nations effort to assist those States that are unable to protect their population from genocide, war crime, crimes against humanity and ethnic cleansing and to protect civilians in those States whose Governments are unwilling to do so.

However, the implementation of R2P, being so sensitive to misinterpretation and thus to possible abuses, has to be carried out under international scrutiny and has to follow rigorous guidelines. The Secretary-General's report is a first important step and is a substantive tool to enable us to finalize a correct and unbiased approach to the implementation of R2P. The General Assembly must develop a final and effective implementation policy.

The United Nations must be able, in a transparent and fair manner, to act in a timely and effective way, when needed, in defence of the powerless of our world. In doing so, the United Nations not only will fulfil its mandate, but will enhance the credibility of the General Assembly and the Security Council.

The meeting rose at 6 p.m.